

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

JEREMY WILBURN, an individual)
)
TODD POLLARD, an individual)
)
Plaintiffs,) Case No.
)
vs.) Honorable
)
BUREAU OF ALCOHOL, TOBACCO,)
FIREARMS, AND EXPLOSIVES,)
and STEVEN DETTELBACH, in his)
official capacity as Director of the)
Bureau of Alcohol, Tobacco, Firearms)
and Explosives)
)
Defendants.)

LAW OFFICES OF BARTON MORRIS
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COMPLAINT AND JURY DEMAND

Plaintiffs Todd Pollard and Jeremy Wilburn, by and through their attorneys, the Law Offices of Barton Morris brings this Complaint against Defendants, Bureau of Alcohol, Tobacco, Firearms and Explosives and Steven Dettelbach (collectively, “Defendants”), and state as follows:

JURISDICTION AND VENUE

1. Plaintiff, Jeremy Wilburn (“Plaintiff Wilburn”) is an individual and resident of the State of Michigan.

2. Plaintiff, Todd Pollard (“Plaintiff Pollard”) is an individual and resident of the State of Michigan.

3. Defendant, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) is a federal agency under the direction of the President of the United States.

4. Defendant, Steven Dettelbach (“Director”) in his official capacity is the Director of the ATF.

5. This court has jurisdiction over this matter pursuant to 28 U.S.C. §1331, as the claims arise under federal question jurisdiction.

6. Venue is proper in this court pursuant to 28 U.S.C. §1391(b), as the issues arise from the Defendants actions against Plaintiffs in the state of Michigan.

7. This court has personal jurisdiction over Defendants as they acted within the State of Michigan at all relevant times.

8. As set forth below, an actual and justiciable controversy exists between the parties, and the court has jurisdiction to declare the rights and legal relations of the parties.

GENERAL FACTS

9. Plaintiffs incorporate by reference paragraphs 1 through 8, above, as if fully rewritten herein.

10. On February 28, 2001, Plaintiff Pollard was convicted of Possession of a Short-Barreled Shotgun by the Third Circuit Court of Wayne County, Michigan, case Number 01-002259-01.

11. The Wayne County Clerk's Office has confirmed that Plaintiff Pollard's conviction has been set aside pursuant to the State of Michigan's Clean Slate Automatic Expungement Program.

12. The Michigan State Police has also confirmed that Plaintiff Pollard's conviction has been set aside pursuant to the State of Michigan's Clean Slate Automatic Expungement Program.

13. Plaintiff Pollard successfully obtained a purchase permit and subsequently purchased two firearms, which were both subject to Federal background checks.

14. Plaintiff Pollard successfully obtained a Michigan Concealed Pistol License ("CPL"), which required a Federal background check.

15. On, or about, September 26, 2023, Defendants confiscated from Mr. Pollard two firearms alleging that he is a prohibited person pursuant to Title 18 Section 922(g) based upon his conviction for Possession of a Short-Barreled Shotgun.

16. On April 17, 2008, Plaintiff Wilburn was convicted of Domestic Violence by the 41B District Court, Case Number 2008-081934-SC.

17. That court granted Plaintiff an expungement on February 22, 2022 by setting aside Plaintiff Wilburn's conviction.

18. On November 8, 2023, Defendants confiscated Plaintiff Wilburn's firearms.

COUNT I
DECLARATORY JUDGMENT

19. Plaintiffs incorporate by reference paragraphs 1 through 18, above, as if fully rewritten herein.

20. Both Plaintiffs received expungements of their convictions.

21. The courts for both Plaintiffs have removed the convictions from the public record under MLC 780.622.

22. The Michigan State Police consider both Plaintiffs' convictions to be set aside.

23. Despite the set aside of both Plaintiffs' convictions, Defendants confiscated Plaintiffs' firearms.

24. Defendants continue to assert that Plaintiffs are prohibited from owning, purchasing, carrying and otherwise possessing firearms.

WHEREFORE Plaintiffs pray that this Honorable Court enter Judgment in favor of Plaintiffs, Todd Pollard and Jeremy Wilburn, and against Defendants Bureau of Alcohol, Tobacco, Firearms and Explosives and Steven Dettelbach, declaring that there is no impediment to either Plaintiff, Todd Pollard or Plaintiff, Jeremy Wilburn from owning, purchasing, carrying and otherwise possessing firearms in relation to their respective convictions.

COUNT II
INJUNCTIVE RELIEF

25. Plaintiff incorporates by reference paragraphs 1 through 24, above, as if fully rewritten herein.

26. Plaintiffs obtained set asides of their convictions.

27. Plaintiffs were not prohibited from owning, purchasing, carrying and otherwise possessing firearms.

28. Defendants improperly and in violation of law, consider Plaintiffs to be prohibited from possessing firearms.

29. Defendants have improperly and without due process, confiscated Plaintiffs' firearms in violation of the Second and Fourteenth Amendments of the United States Constitution.

WHEREFORE Plaintiffs pray that this Honorable Court enter an injunction in favor of Plaintiffs, Todd Pollard and Jeremy Wilburn, and against Defendants Bureau of Alcohol, Tobacco, Firearms and Explosives and Steven Dettelbach, mandating that Defendants return Plaintiffs' firearms and remove any prohibition that Defendants claim is related to Plaintiffs' set aside convictions.

Respectfully Submitted,

THE LAW OFFICES OF BARTON MORRIS

December 12, 2023

/s/ Ian Redmond
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